

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

ATI JET, INC.,

Plaintiff,

v.

**RICHARD DOWNS; BENJAMIN
GOLDMANN; TYCHEROS CAPITAL
MANAGEMENT, LLC; and BLUE
SKY HIGHWAY, LLC,**

Defendants.

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EP-23-CV-00111-DCG

ORDER DISMISSING CASE

Plaintiff ATI Jet, Inc. has moved to dismiss its case against Defendants Richard Downs; Benjamin Goldmann; Tycheros Capital Management, LLC; and Blue Sky Highway, LLC. Mot., ECF No. 9. Plaintiff’s Motion comes under Federal Rule of Civil Procedure 41(a)(2), which allows Plaintiff to request that the Court dismiss its case. Fed. R. Civ. P. 41(a)(2) (allowing dismissal “at the plaintiff’s request only by court order,” if Rule 41(a)(1) is inapplicable).

After careful consideration, the Court **GRANTS** Plaintiff ATI Jet, Inc’s “Motion to Dismiss” (ECF No. 9). All claims asserted by Plaintiff ATI Jet, Inc. in this action against Defendants Richard Downs; Benjamin Goldmann; Tycheros Capital Management, LLC; and Blue Sky Highway, LLC. are **DISMISSED WITHOUT PREJUDICE**. Plaintiff shall pay costs of court within 10 days of entry of this Order.

Accordingly, the Court **DENIES** all pending motions as **MOOT** and relieves Plaintiff of its obligation to respond to the Court’s order to address potential jurisdictional issues.

The Court **CLOSES** this case.

So ORDERED and SIGNED this 9th day of May 2023.

A handwritten signature in black ink, appearing to read "David C. Guaderrama", written over a horizontal line.

**DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE**